

Court of Appeals, State of Michigan

ORDER

People of MI v Daryl Leon Turner

Docket No. 280989

LC No. 05-012690-01

Bill Schuette
Presiding Judge

William C. Whitbeck, C.J.

Peter D. O'Connell
Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court VACATES that portion of the judgment of sentence assessing attorney fees and REMANDS the matter to the circuit court. The court erred in ordering defendant to pay \$400 in attorney fees without first assessing his ability to pay. *People v Dunbar*, 264 Mich App 240; 690 NW2d 476 (2004). On remand, the court shall address defendant's current and future financial circumstances and foreseeable ability to reimburse the county for attorney fees before determining whether he should pay those fees.

In all other respects, the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 14 2007

Date

Sandra Schultz Mengel
Chief Clerk